

103^D CONGRESS
2^D SESSION

H. R. 4868

IN THE SENATE OF THE UNITED STATES

AUGUST 17 (legislative day, AUGUST 11), 1994

Received; read twice and referred to the Committee on Labor and Human
Resources

AN ACT

To amend the Railroad Unemployment Insurance Act to
reduce the waiting period for benefits payable under that
Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Unemploy-
5 ment Insurance Amendments Act of 1994”.

6 **SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.**

7 Section 2(a)(1)(A) of the Railroad Unemployment In-
8 surance Act is amended to read as follows:

1 “(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

2 “(i) GENERALLY.—Except as otherwise pro-
3 vided in this subparagraph, benefits shall be payable
4 to any qualified employee for each day of unemploy-
5 ment in excess of 4 during any registration period
6 within a period of continuing unemployment.

7 “(ii) WAITING PERIOD FOR FIRST REGISTRA-
8 TION PERIOD.—Benefits shall be payable to any
9 qualified employee for each day of unemployment in
10 excess of 7 during that employee’s first registration
11 period in a period of continuing unemployment if—

12 “(I) such registration period includes more
13 than 4 days of unemployment; and

14 “(II) such period of continuing unemploy-
15 ment is the employee’s initial period of continu-
16 ing unemployment in the benefit year.

17 “(iii) STRIKES.—

18 “(I) INITIAL 14-DAY WAITING PERIOD.—If
19 the Board finds that a qualified employee has
20 a period of continuing unemployment that in-
21 cludes days of unemployment due to a stoppage
22 of work because of a strike in the establish-
23 ment, premises, or enterprise at which such em-
24 ployee was last employed, no benefits shall be

1 payable for such employee's first 14 days of un-
2 employment due to such stoppage of work.

3 “(II) SUBSEQUENT DAYS OF UNEMPLOY-
4 MENT.—For subsequent days of unemployment
5 due to the same stoppage of work, benefits shall
6 be payable as provided in clause (i) of this sub-
7 paragraph.

8 “(III) SUBSEQUENT PERIODS OF CONTINU-
9 ING UNEMPLOYMENT.—If such period of con-
10 tinuing unemployment ends by reason of clause
11 (v) but the stoppage of work continues, the
12 waiting period established in clause (ii) shall
13 apply to the employee's first registration period
14 in a new period of continuing unemployment
15 based upon the same stoppage of work.

16 “(iv) DEFINITION OF PERIOD OF CONTINUING
17 UNEMPLOYMENT.—Except as limited by clause (v),
18 for the purposes of this subparagraph, the term ‘pe-
19 riod of continuing unemployment’ means—

20 “(I) a single registration period that in-
21 cludes more than 4 days of unemployment;

22 “(II) a series of consecutive registration
23 periods, each of which includes more than 4
24 days of unemployment; or

1 “(III) a series of successive registration pe-
2 riods, each of which includes more than 4 days
3 of unemployment, if each succeeding registra-
4 tion period begins within 15 days after the last
5 day of the immediately preceding registration
6 period.

7 “(v) SPECIAL RULE REGARDING END OF PE-
8 RIOD.—For purposes of applying clause (ii), a period
9 of continuing unemployment ends when an employee
10 exhausts rights to unemployment benefits under sub-
11 section (c) of this section.

12 “(vi) LIMIT ON AMOUNT OF BENEFITS.—No
13 benefits shall be payable to an otherwise eligible em-
14 ployee for any day of unemployment in a registra-
15 tion period where the total amount of the remunera-
16 tion (as defined in section 1(j) of this Act) payable
17 or accruing to him for days within such registration
18 period exceeds the amount of the base year monthly
19 compensation base. For this purpose, an employee’s
20 remuneration shall be deemed to include the gross
21 amount of any remuneration that would have be-
22 come payable to that employee but did not become
23 payable because that employee was not ready or will-
24 ing to perform suitable work available to that em-
25 ployee on any day within such registration period.”.

1 **SEC. 3. WAITING PERIOD FOR SICKNESS BENEFITS.**

2 Section 2(a)(1)(B) of the Railroad Unemployment
3 Insurance Act is amended to read as follows:

4 “(B) PAYMENT OF SICKNESS BENEFITS.—

5 “(i) GENERALLY.—Except as otherwise pro-
6 vided in this subparagraph, benefits shall be payable
7 to any qualified employee for each day of sickness
8 after the fourth consecutive day of sickness in a pe-
9 riod of continuing sickness but excluding 4 days of
10 sickness in any registration period in such period of
11 continuing sickness.

12 “(ii) WAITING PERIOD FOR FIRST REGISTRA-
13 TION PERIOD.—Benefits shall be payable to any
14 qualified employee for each day of sickness in excess
15 of 7 during that employee’s first registration period
16 in a period of continuing sickness if such registra-
17 tion period begins with 4 consecutive days of sick-
18 ness and includes more than 4 days of sickness, ex-
19 cept that the waiting period established in this
20 clause shall not apply to the first registration period
21 in any subsequent period of continuing sickness that
22 begins in the same benefit year.

23 “(iii) DEFINITION OF PERIOD OF CONTINUING
24 SICKNESS.—For the purposes of this subparagraph,
25 a period of continuing sickness means—

1 “(I) a period of consecutive days of sick-
2 ness, whether from 1 or more causes; or

3 “(II) a period of successive days of sick-
4 ness due to a single cause without interruption
5 of more than 90 consecutive days which are not
6 days of sickness.

7 “(iv) SPECIAL RULE REGARDING END OF PE-
8 RIOD.—For purposes of applying clause (ii), a period
9 of continuing sickness ends when an employee ex-
10 hausts rights to sickness benefits under subsection
11 (c) of this section.”.

12 **SEC. 4. MAXIMUM DAILY BENEFIT RATE.**

13 Section 2(a)(3) of the Railroad Unemployment Insur-
14 ance Act is amended to read as follows:

15 “(3) The maximum daily benefit rate computed by
16 the Board under section 12(r)(2) shall be the product of
17 the monthly compensation base, as computed under sec-
18 tion 1(i)(2) for the base year immediately preceding the
19 beginning of the benefit year, multiplied by 5 percent. If
20 the maximum daily benefit rate so computed is not a mul-
21 tiple of \$1.00, it shall be rounded down to the nearest
22 multiple of \$1.00.”.

23 **SEC. 5. MAXIMUM NUMBER OF DAYS FOR BENEFITS.**

24 (a) IN GENERAL.—Section 2(c) of the Railroad Un-
25 employment Insurance Act is amended to read as follows:

1 “(c) MAXIMUM NUMBER OF DAYS FOR BENEFITS.—

2 “(1) NORMAL BENEFITS.—

3 “(A) GENERALLY.—The maximum number
4 of days of unemployment within a benefit year
5 for which benefits may be paid to an employee
6 shall be 130, and the maximum number of days
7 of sickness within a benefit year for which bene-
8 fits may be paid to an employee shall be 130.

9 “(B) LIMITATION.—The total amount of
10 benefits that may be paid to an employee for
11 days of unemployment within a benefit year
12 shall in no case exceed the employee’s com-
13 pensation in the base year; and the total
14 amount of benefits that may be paid to an em-
15 ployee for days of sickness within a benefit year
16 shall in no case exceed the employee’s com-
17 pensation in the base year, except that notwith-
18 standing section 1(i), in determining the em-
19 ployee’s compensation in the base year for the
20 purpose of this sentence, any money remunera-
21 tion paid to the employee for services rendered
22 as an employee shall be taken into account
23 that—

24 “(i) is not in excess of \$775 in any
25 month before 1989; and

1 “(ii) in any month in a base year
2 after 1988, is not in excess of an amount
3 that bears the same ratio to \$775 as the
4 monthly compensation base for that year
5 as computed under section 1(i) bears to
6 \$600.

7 “(2) EXTENDED BENEFITS.—

8 “(A) GENERALLY.—With respect to an
9 employee who has 10 or more years of service
10 as defined in section 1(f) of the Railroad Re-
11 tirement Act of 1974, who did not voluntarily
12 retire and (in a case involving exhaustion of
13 rights to normal benefits for days of unemploy-
14 ment) did not voluntarily leave work without
15 good cause, and who had current rights to nor-
16 mal benefits for days of unemployment or days
17 of sickness in a benefit year but has exhausted
18 such rights, the benefit year in which such
19 rights are exhausted shall be deemed not to be
20 ended until the last day of the extended benefit
21 period determined under this paragraph, and
22 extended unemployment benefits or extended
23 sickness benefits (depending on the type of nor-
24 mal benefit rights exhausted) may be paid for
25 not more than 65 days of unemployment or 65

1 days of sickness within such extended benefit
2 period.

3 “(B) BEGINNING DATE.—An employee’s
4 extended benefit period shall begin on the em-
5 ployee’s first day of unemployment or first day
6 of sickness, as the case may be, following the
7 day on which the employee exhausts the em-
8 ployee’s then current rights to normal benefits
9 for days of unemployment or days of sickness
10 and shall continue for 7 consecutive 14-day pe-
11 riods, each of which shall constitute a registra-
12 tion period, but no such extended benefit period
13 shall extend beyond the beginning of the first
14 registration period in a benefit year in which
15 the employee is again qualified for benefits in
16 accordance with section 3 on the basis of com-
17 pensation earned after the first of such con-
18 secutive 14-day periods has begun.

19 “(C) TERMINATION WHEN EMPLOYEE
20 REACHES AGE OF 65.—Notwithstanding any
21 other provision of this paragraph, an extended
22 benefit period for sickness benefits shall termi-
23 nate on the day next preceding the date on
24 which the employee attains age 65, except that

1 it may continue for the purpose of paying bene-
2 fits for days of unemployment.

3 “(3) ACCELERATED BENEFITS.—

4 “(A) GENERAL RULE.—With respect to an
5 employee who has 10 or more years of service
6 as defined in section 1(f) of the Railroad Re-
7 tirement Act of 1974, who did not voluntarily
8 retire, and (in a case involving unemployment
9 benefits) did not voluntarily leave work without
10 good cause, who has 14 or more consecutive
11 days of unemployment, or 14 or more consecu-
12 tive days of sickness, and who is not a qualified
13 employee with respect to the general benefit
14 year current when such unemployment or sick-
15 ness commences but is or becomes a qualified
16 employee for the next succeeding general bene-
17 fit year, such succeeding general benefit year
18 shall, in that employee’s case, begin on the first
19 day of the month in which such unemployment
20 or sickness commences.

21 “(B) EXCEPTION.—In the case of a suc-
22 ceeding benefit year beginning in accordance
23 with subparagraph (A) by reason of sickness,
24 such sentence shall not operate to permit the
25 payment of benefits in the period provided for

1 in such sentence for any day of sickness begin-
2 ning with the date on which the employee at-
3 tains age 65, and continuing through the day
4 preceding the first day of the next succeeding
5 general benefit year.

6 “(C) DETERMINATION OF AGE.—For the
7 purposes of this subsection, the Board may rely
8 on evidence of age available in its records and
9 files at the time determinations of age are
10 made.”.

11 (b) REPEAL OF DEADWOOD PROVISION.—Section
12 2(h) of the Railroad Unemployment Insurance Act is re-
13 pealed.

14 (c) REPEAL OF EXPIRED PROVISION.—Section 17 of
15 the Railroad Unemployment Insurance Act (45 U.S.C.
16 368), relating to payment of supplemental unemployment
17 benefits, is repealed.

18 **SEC. 6. EFFECTIVE DATE.**

19 The amendments made by this Act shall take effect
20 on the date of the enactment of this Act.

Passed the House of Representatives August 16,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.